

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC., PRODUCTS LIABILITY)
LITIGATION)
) MDL No.: 2419
) Master Docket No.: 1:13-md-2419-RWZ
)
THIS DOCUMENT RELATES TO:)
)
)
All Tennessee Actions Against The)
St. Thomas Entities.)

DECLARATION OF BENJAMIN A. GASTEL

Benjamin A. Gastel declares, under penalty of perjury on the date identified below, as follows:

1. I am an attorney at Branstetter, Stranch, and Jennings, PLLC, and our firm sits on the Plaintiffs' Steering Committee "(PSC)" in the above-referenced lawsuit (the "MDL"). I make this declaration in support of the contemporaneously filed Plaintiffs' Steering Committee's Motion to Compel the St. Thomas Entities¹ To Produce Certain Documents (the "Motion").

2. The PSC originally served its initial common discovery requests on the St. Thomas Entities on or around October 9, 2013. The St. Thomas Entities provided initial responses on December 11, 2013, largely objecting to these requests. Eventually, the Saint Thomas Entities provided initial substantive responses to discovery on November 10, 2014 and completed its initial document production on or around April 7, 2015. The relevant responses of the St. Thomas Entities to this initial set of discovery are attached as Exhibit 1.

3. The PSC served a second set of common discovery requests on the Saint Thomas Entities on May 6, 2015. The Saint Thomas Entities provided responses to this second set of

¹ The Defendants Saint Thomas West Hospital, formerly known as St. Thomas Hospital ("[Saint Thomas Hospital]"), Saint Thomas Health ("[Saint Thomas Health]"), and Saint Thomas Network ("STN") are collectively referred to as the "St. Thomas Entities".

discovery on June 15, 2015. The relevant responses of the Saint Thomas Entities to this second set of discovery are attached as Exhibit 2.

4. On August 7, 2015, the PSC sent an initial meet and confer letter raising issues related to the Saint Thomas Entities' responses to this second set of discovery and a handful of lingering issues from the first set of discovery. A copy of this letter is attached as Exhibit 3. On August 21, 2015, the Saint Thomas Entities responded to this letter. A copy of this letter is attached as Exhibit 4. On September 4, 2015, the parties held a teleconference meet and confer with Benjamin A. Gastel appearing on behalf of the PSC and Adam Schramek and Marcy Greer appearing on behalf of the Saint Thomas Entities. The parties were able to resolve some of the outstanding issues but were not able to reach agreement on the issues now subject to the Motion.

Executed on this 17th day of September, 2015, in Nashville, Tennessee.

/s/ Benjamin A. Gastel
Benjamin A. Gastel